

REMARKS

This responds to the Office Action mailed on May 16, 2006.

Claims 23 and 24 are amended to correct minor informalities; as a result, claims 1-25 are now pending in this application. The amendments to claims 23 and 24 are made to correct typographical errors no substantial amendments are being made. Accordingly, Applicants believe that entry of these amendments is appropriate and respectfully request an indication of the same for purposes of appeal in the event the Examiner does not allow the claims after the remarks presented herein and below.

§103 Rejection of the Claims

Claims 1-10 and 12-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nazem et al. (U.S. 5,983,227) in view of My Yahoo (Wayback Machine article, dated 1998-12-12). It is of course fundamental that in order to sustain an obviousness rejection that each and every element or step in the rejected claims must be taught or suggested in the proposed combination of references. Moreover, there must be some motivation to combine the references in the manner proposed by the Examiner by one of ordinary skill in the art.

Applicants respectfully assert that the term “transaction” is being glossed over by the Examiner in this particular application. Merriam-Webster’s On-Line Dictionary defines “transaction” in two manners 1) an exchange or transfer of goods or funds; and 2) a communicative action or activity involving two parties or things that reciprocally affect or influence each other.

Neither of the Nazem or My Yahoo references include a transaction facility. There is not a two-way communicative action or activity that reciprocally affects or influences both the user and the content page server. Both these references are devoid of any transaction facility. This can be seen more clearly by the fact that Nazem does not even require any form of login with any security. In fact, caching is discussed at great length so that when a user attempts to access a URL it is intercepted and a user template acquired and it is presented in a custom fashion defined by the user. Nazem is essentially a page or URL presentation service that is customized for a

particular user. Nazem lacks security altogether and as such it cannot be used with a transaction facility.

The My Yahoo reference supplies a log in capability but the customization is directed strictly to a non-transaction facility. That is, the customization does not affect both parties it only affects the view presented to the user in which a users desired content is presented. The My Yahoo reference is not a transaction-based facility.

Accordingly, the two references lack any teaching or suggestion of a teaching for a network-based transaction facility. Emphasis added. Thus, the two references cannot be said to render Applicants' independent claims obvious. Applicants respectfully request that the rejections be withdrawn and the claims be permitted to issue.

Applicants would also like to point out that the Yahoo Auction reference is being used to strictly reject claim 11. However, Applicants would like to point out that there is no indication in Yahoo Auction that a user could customize features of that transaction facility. The Nazem and My Yahoo references deal with content and not features of the transaction facility. By combining the references there is still no teaching where the features of the transaction facility are customized for the user. Accordingly, even though Yahoo Auction is not included in the rejection of record, Applicants believe such a combination still lacks each and every teaching of Applicants independent claims.

Accordingly, Applicants believe that the rejections cannot be sustained and should be withdrawn.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nazem et al. in view of My Yahoo and further in view of Yahoo Auctions (Wayback Machine article, date 1999-02-08). Claim 11 dependent from independent claim 1; therefore for the remarks presented above with respect to claim 1, the rejection of claim 11 should be withdrawn. Applicants respectfully request an indication of the same. Moreover, the Nazem and My Yahoo reference do not provide a teaching or suggestion of a teaching where “features” can be customized for a “transaction” facility.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date July 21, 2006

By _____

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21 day of July, 2006.

Peter Rebuffoni

Name _____

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Peter File